S.B.Cr.Misc. IIIrd Bail Application No.5093/2007
(Mazeed Khan vs. State of Rajasthan)

Date of order : November 19, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Mridul Jain, for the petitioner.
Mr.Ashok Upadhyaya, P.P. for the State.

This is third bail application. The second bail application came before this Court on 12.9.2007. Learned counsel for the petitioner did not press the bail application and sought liberty to file a fresh bail application after the statements of Tulsi Bai and Girdhari are recorded.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the challan papers and the statements of the witnesses recorded by the trial court so far.

Learned counsel for the petitioner submits that on 5.10.2007, learned APP conducting the sessions case gave up (Tark) the aforesaid two witnesses and, therefore, they are not the witnesses now in the case. Learned counsel has pointed out certain contradictions in the statements of the

witnesses.

Learned Public Prosecutor opposes the bail application and invited my attention to eye-witness PW.2 Asif. I have gone through the statement of PW.2 Asif, in whose statement, there may be some omissions and contradictions but on consideration of his statement as a whole, in my view, it is not just and proper to release the petitioner on bail at this stage.

The bail application filed by the petitioner under section 439 Cr.P.C. is, therefore, dismissed. However, the trial court is directed to expedite the trial of the case.

(H.R.PANWAR),J.

m.asif/-